



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 8 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joel H. Jansen, Vice President
Winnebago Energy Center, LLC
1716 Lawrence Drive
De Pere, WI 54115

**Re: Notice of Intent to File Civil Administrative Complaint Against
Winnebago Energy Center, LLC**

Dear Mr. Hoffman:

The U.S. Environmental Protection Agency plans to file an administrative complaint for civil penalties against Winnebago Energy Center, LLC (you or WEC). We will allege that you violated the Clean Air Act, Illinois State Implementation Plan, and terms of WEC's Construction Permit. Based on information currently available to us, we plan to propose a penalty of \$62,223 in the complaint.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any financial data bearing on your ability to pay a penalty. If you believe that you will be unable to pay a \$62,223 penalty because of financial reasons, please send us certified, complete financial statements including balance sheets, income statements and all notes to the financial statements, and your company's signed income tax returns with all schedules and amendments, for the past three years.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We may use any information you submit in support of an administrative, civil, or criminal action.

Within 10 calendar days after you receive this letter, please send your response to Andre Daugavietis at the address below and copy Brent Marable, the Illinois/Indiana Air Enforcement Section Chief.

Andre Daugavietis (C-14J)
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

We plan to file the complaint against you 14 calendar days after you receive this letter, unless you give us information that the complaint is not substantially justified.

If you have any questions, please telephone Andre Daugavietis, Associate Regional Counsel, at 312.886.6663.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Marable", written in a cursive style.

Brent Marable
IL/IN Air Enforcement Section Chief